

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Joyce Trotman

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Malamut & Associates, LLC, 457 Haddonfield Rd #500,
Cherry Hill, NJ 08002 (856) 424-1808

DEFENDANTS

Temple Health Fox Chase Cancer Center

County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
American with Disabilities Act

Brief description of cause:
Employment discrimination and retaliation

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

November 14, 2024

/s/ Mark R. Natale

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 1971 Elston Street, Philadelphia, PA 19138
Address of Defendant: 333 Cottman Avenue, Philadelphia, PA 19111
Place of Accident, Incident or Transaction: Temple Health Fox Chase Cancer Center

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/14/2024 316939

Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
☐ 2. FELA
☐ 3. Jones Act-Personal Injury
☐ 4. Antitrust
☐ 5. Patent
☒ 6. Labor-Management Relations
☐ 7. Civil Rights
☐ 8. Habeas Corpus
☐ 9. Securities Act(s) Cases
☐ 10. Social Security Review Cases
☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
☐ 2. Airplane Personal Injury
☐ 3. Assault, Defamation
☐ 4. Marine Personal Injury
☐ 5. Motor Vehicle Personal Injury
☐ 6. Other Personal Injury (Please specify): _____
☐ 7. Products Liability
☐ 8. Products Liability – Asbestos
☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Mark R. Natale, counsel of record or pro se plaintiff, do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
☐ Relief other than monetary damages is sought.

DATE: 11/14/2024 /s/ Mark R. Natale 316939

Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

JOYCE TROTMAN	:	
1971 Elston St,	:	Civil Action
Philadelphia, PA 19138	:	No.
Plaintiff	:	
	:	
v.	:	
TEMPLE HEALTH	:	
FOX CHASE CANCER CENTER	:	
333 Cottman Ave,	:	JURY TRIAL DEMANDED
Philadelphia, PA 19111	:	
Defendant	:	

COMPLAINT

1. This is an action for an award of damages, declaratory and injunctive relief, attorneys' fees and other relief on behalf of Plaintiff, JOYCE TROTMAN. Plaintiff was an employee of Defendants, TEMPLE HEALTH FOX CHASE CANCER CENTER, (TEMPLE HEALTH), who has been harmed by the Defendants' discriminatory employment practices.

2. This action arises under the Family Medical Leave Act, Pub. L. 114–74 at sec. 701. (FMLA).

JURISDICTION AND VENUE

3. The jurisdiction of this Court is invoked, and venue is proper in this district, pursuant to 28 U.S.C. § 1391 as Plaintiff's claims are substantively based on the Family Medical Leave Act.

4. The Eastern District of Pennsylvania has general jurisdiction over the Defendants, and specific jurisdiction over this matter as the events giving rise to Plaintiff's claims occurred in the Eastern District.

PARTIES

5. The Plaintiff herein is JOYCE TROTMAN, former employee of the Defendant.

6. The Defendant herein is TEMPLE HEALTH. At all times relevant hereto, Defendant was acting through their agents, servants, and employees, who were acting within the scope of their authority, course of their employment, and under the direct control of Defendants. At all times material herein, Defendant is an “employer” as defined under the Family Medical Leave Act.

UNDERLYING FACTS

7. On or about May 31, 2022, Defendant hired Plaintiff as a Triage Dispatcher at its Fox Chase Cancer Center in Philadelphia, PA.

8. At all relevant times material hereto, Plaintiff was an eligible employee as defined by the Family Medical Leave Act (FMLA)..

9. Prior to Plaintiff being hired by Defendant, Plaintiff was diagnosed with breast cancer.

10. Plaintiff was entitled to leave under the FMLA.

11. In or around June 2023, Plaintiff’s doctor, Dr. Sameer Patel of Temple Health, notified Plaintiff was required to have reconstructive surgery due to complications with her breast cancer.

12. Plaintiff’s medical care provider for her cancer was Temple Health, the very place she worked at.

13. In or around June 2023, Plaintiff informed her supervisor Rose DeRentz, Supervisor, of the need for reconstructive surgery that was to be performed in July 2023.

14. On July 26, 2023, Plaintiff was under the impression that her surgery would be rescheduled to the following week.

15. Plaintiff requested FMLA leave from July 27, 2023 to August 23, 2023 due to her surgery, through a portal run by Matrix Absence Management, Inc. a third-party company that processes FMLA leave requests on behalf of Defendant, TEMPLE HEALTH.

16. On July 16, 2023, Defendant suspended Plaintiff for one day without pay.
17. In or about July 2023, Deborah Rizzo, Administrative Assistant, informed Plaintiff that her FMLA paperwork was properly submitted. Dr. Melissa McShane, Plaintiff's FMLA leave was approved by.
18. Plaintiff's FMLA leave was to begin on July 24, 2023, and end on August 24, 2023.
19. In August 2023, Matrix Absence Management, Inc. informed me that it had not received my paperwork from my doctor, despite the fact that Dr. McShane faxed it several times.
20. Plaintiff was diligently working with Dr. Patel, Defendant's employee, to schedule a date for surgery. On August 15, 2023, his office informed Plaintiff that her scheduled date for surgery would be October 24, 2023.
21. On August 15, 2023, after Plaintiff knew the scheduled date of surgery, Plaintiff contacted her supervisor Rose DeRentz.
22. On August 21, 2023, Plaintiff underwent a mammogram at Temple Health for examination of her breast cancer.
23. That day, Plaintiff asked to return to work. Ms. DeRentz informed Plaintiff that she would have to check with the Human Resources Department before she could schedule Plaintiff's return date.
24. On August 23, 2023, Ms. DeRentz called Plaintiff on the phone and informed her that Defendant was terminating Plaintiff's employment.
25. Defendant accused Plaintiff of misrepresenting her requested leave time.
26. On the same day, Defendant's oncologist, Dr. McShane, called Plaintiff to tell her that the mammogram results were abnormal, and required a biopsy to examine if the abnormality is benign (not cancer).

27. Dr. Mc Shane informed Plaintiff that she needed to visit her office immediately.
28. Defendant terminated Plaintiff's employment on August 23, 2023, one day before was scheduled to return from leave.

COUNT ONE

**DENIAL OF LEAVE AND RETALIATION UNDER THE
FAMILY MEDICAL LEAVE ACT**

29. Plaintiff repeats and re-alleges the allegations set forth in all previous paragraphs of this Complaint as if they were set forth in full herein.
30. At all times material hereto, Plaintiff was an eligible employee under the FMLA.
31. At all times material hereto, Defendant was an eligible employer under the FMLA, engaged in commerce or in any industry or activity affecting commerce, and employed 50 or more employees in the current or preceding calendar year.
32. Under the FMLA, as a general rule, Plaintiff was entitled to a total of 12 work weeks of leave during any 12-month period) cause of a serious health condition that makes the employee unable to perform the functions of the employee's job (*see* [§§ 825.113](#) and [825.123](#));
33. FMLA is intended to allow employees to balance their work and family life by taking reasonable unpaid leave for medical reasons. 29 C.F.R. §825.101.
34. Plaintiff has a serious health condition entitling Plaintiff to FMLA leave defined as an illness, injury, impairment or physical or mental condition that involves inpatient care as defined in [§ 825.114](#) or **continuing treatment** by a health care provider as defined in [§ 825.115](#). 29 C.F.R. §825.113(a).
35. Ironically, Defendant is a Cancer Treatment Facility and Plaintiff was treated by doctors employed Defendant.

36. The FMLA states that the term treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. 29 C.F.R.

§825.113(c).

37. Plaintiff requested and was entitled to FMLA leave for her condition because of her serious condition and reoccurring cancer diagnosis.

38. She was undergoing treatment evaluations for her serious condition when Defendant terminated her employment.

39. Defendant denied her FMLA leave as required by the Act.

40. Defendant interfered with Plaintiff's FMLA rights and retaliated against Plaintiff for exercising her rights under the FMLA, including wrongfully terminating her employment.

41. As a result of Defendant's conduct, Plaintiff has also suffered economic loss and emotional distress due to Defendant's violation of her rights under the FMLA.

42. Lastly, the intentional and malicious actions of Defendant, including its upper-level managers, justify the imposition of punitive damages.

WHEREFORE, Plaintiff demands judgment against Defendant **TEMPLE HEALTH, FOX CHASE CANCER CENTER**, for damages, including but not limited to back and front wages, employment benefits, and all monetary losses sustained as a direct result of the violations; liquidated damages; interest; equitable relief; injunctive relief; reinstatement; attorneys' fees; costs of suit; experts' fees; punitive damages; any and all relief provided for by the Family and Medical Leave Act; and any and all relief that the Court deems just and proper.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter judgment in his favor against the Defendants, and order that:

- A. Defendants compensate Plaintiff with back pay, at a rate of pay and other benefits and emoluments of employment to which she would have been entitled had she not been subjected to unlawful discrimination based on her disability and had granted her Family Medical Leave Act leave.
- B. Defendants compensate Plaintiff with an award of front pay, if appropriate.
- C. Defendants pay to Plaintiff punitive damages, compensatory damages for future pecuniary losses, pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses as allowable.
- D. Defendants pay to Plaintiff pre and post judgment interest, the costs of suit and attorney and expert witness fees as allowed by law.
- E. Defendants shall eliminate all unlawful discriminatory practices as well as remedy the discriminatory effect of past practices and procedures.
- F. The Court shall award such other relief as if deemed just and proper, in law and/or equity, including injunctive relief if the Honorable Court deems said relief appropriate.

JURY DEMAND

Plaintiff demands a trial by jury.

MALAMUT & ASSOCIATES, LLC

By. /s/ Mark R. Natale

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Attorneys for Plaintiff